

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Nathan Nesmith**  
Debtor(s)

Bankruptcy Case No.: 17-70676-JAD  
Issued Per Mar. 7, 2019 Proceeding  
Chapter: 13  
Docket No.: 44 – 37, 40  
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED  
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

**(1.) PLAN CONFIRMATION:**

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated January 23, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,594 as of March 2019. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Mortgage Research Center LLC at Claim No. 3-2 at payment computed by Trustee .
- ☒ H. Additional Terms: Fee application needed if any fee (including retainer) exceeds \$4,000 including any fees paid to prior counsel.  
The secured claim of Ameriserve Financial at Claim No. 1 shall govern as to claim amount, to be paid that modified plan terms.

**(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

**B. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**C. Review of Claims Docket and Objections to Claims.** Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

**D. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

**A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

**B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**D.** Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

**F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: March 13, 2019

Jeffery A. Deller  
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

**Certificate of Notice Page 4 of 5**  
 United States Bankruptcy Court  
 Western District of Pennsylvania

In re:  
 Nathan Nesmith  
 Debtor

Case No. 17-70676-JAD  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0315-7

User: jhel  
 Form ID: 149

Page 1 of 2  
 Total Noticed: 21

Date Rcvd: Mar 13, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 15, 2019.

db +Nathan Nesmith, 604 Demuth Street, Johnstown, PA 15904-1607  
 cr +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,  
 Pittsburgh, PA 15233-1828  
 14690959 +1stprogress/1stequity/, Po Box 84010, Columbus, GA 31908-4010  
 14690960 +Aes/aes Grants Spcl Pg, Po Box 61047, Harrisburg, PA 17106-1047  
 14710528 Cambria County DRS, 9 Manor Dr, Ebensburg, PA 15931  
 14690965 +Cbna, Po Box 6282, Sioux Falls, SD 57117-6282  
 14690966 +Central Loan Admin & R, One Paragon Drive, Montvale, NJ 07645-1765  
 14710532 +Central Loan Admin & Reporting, One Paragon Drive, Montvale, NJ 07645-1765  
 14710534 #+Keri Nesmith, 210 Kleinsmans Road, Johnstown, PA 15905-3530  
 14770902 +Mortgage Research Center, LLC, et al, c/o Cenlar FSB, Attn: Bankruptcy Dept.,  
 425 Phillips Blvd., Ewing, NJ 08618-1430  
 14770900 +Mortgage Resource Center, LLC et al, c/o Cenlar FSB, Attn: BK Department,  
 425 Phillips Blvd., Ewing, NJ 08618-1430  
 14710536 +PA SCU, PO Box 69110, Harrisburg, PA 17106-9110  
 14690969 #+Penn Credit, 916 S 14th St, Harrisburg, PA 17104-3425  
 14690970 +Thd/cbna, Po Box 6497, Sioux Falls, SD 57117-6497

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14690961 +E-mail/Text: ally@ebn.phinsolutions.com Mar 14 2019 03:00:10 Ally Financial,  
 200 Renaissance Ctr, Detroit, MI 48243-1300  
 14690962 +E-mail/Text: laurac@americu.org Mar 14 2019 03:02:22 Americu Credit, 1916 Black River,  
 Rome, NY 13440-2430  
 14690963 +E-mail/Text: assignedrisk@ameriserv.com Mar 14 2019 03:01:49 Ameriserv Financial,  
 216 Franklin St, Johnstown, PA 15901-1911  
 14690964 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Mar 14 2019 03:07:25 Capital One,  
 15000 Capital One Dr, Richmond, VA 23238  
 14690968 E-mail/Text: BankruptcyNotices@aafes.com Mar 14 2019 03:00:14 Military Star,  
 3911 S Walton Walker Blv, Dallas, TX 75236  
 14690967 +E-mail/Text: vmcpherson@creditmanagementcompany.com Mar 14 2019 03:01:48  
 Credit Management Co, 2121 Noblestown Rd, Pittsburgh, PA 15205-3956  
 14725861 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Mar 14 2019 03:08:04  
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541

TOTAL: 7

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr MORTGAGE RESEARCH CENTER, LLC D/B/A VETERANS UNITE  
 cr MORTGAGE RESEARCH CENTER, LLC ET. AL.  
 cr Mortgage Research Center, LLC d/b/a Veterans Unite  
 cr Mortgage Research Center, LLC et. al.  
 14710523\* +1stprogress/1stequity/, Po Box 84010, Columbus, GA 31908-4010  
 14710524\* +Aes/aes Grants Spcl Pg, Po Box 61047, Harrisburg, PA 17106-1047  
 14710525\* +Ally Financial, 200 Renaissance Ctr, Detroit, MI 48243-1300  
 14710526\* +Americu Credit, 1916 Black River, Rome, NY 13440-2430  
 14710527\* +Ameriserv Financial, 216 Franklin St, Johnstown, PA 15901-1911  
 14710529\* ++CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285  
 (address filed with court: Capital One, 15000 Capital One Dr, Richmond, VA 23238)  
 14710535\* ++CREDITORS BANKRUPTCY SERVICE, PO BOX 800849, DALLAS TX 75380-0849  
 (address filed with court: Military Star, 3911 S Walton Walker Blv, Dallas, TX 75236)  
 14710530\* +Cbna, Po Box 6282, Sioux Falls, SD 57117-6282  
 14710531\* +Central Loan Admin & R, One Paragon Drive, Montvale, NJ 07645-1765  
 14710533\* +Credit Management Co, 2121 Noblestown Rd, Pittsburgh, PA 15205-3956  
 14710537\* +Penn Credit, 916 S 14th St, Harrisburg, PA 17104-3425  
 14710538\* +Thd/cbna, Po Box 6497, Sioux Falls, SD 57117-6497

TOTALS: 4, \* 12, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.  
 While the notice was still deliverable, the notice recipient was advised to update its address with the court  
 immediately.

District/off: 0315-7

User: jhel  
Form ID: 149

Page 2 of 2  
Total Noticed: 21

Date Rcvd: Mar 13, 2019

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Mar 15, 2019

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 13, 2019 at the address(es) listed below:

James Warmbrodt on behalf of Creditor Mortgage Research Center, LLC d/b/a Veterans United Home Loans, a Missouri Limited Liability Company bkgroup@kmlawgroup.com  
Jerome B. Blank on behalf of Creditor Mortgage Research Center, LLC et. al. pawb@fedphe.com  
Jodi L. Hause on behalf of Creditor MORTGAGE RESEARCH CENTER, LLC D/B/A VETERANS UNITED HOME LOANS, A MISSOURI LIMITED LIABILITY COMPANY jodi.hause@phelanhallinan.com, pawb@fedphe.com  
Mario J. Hanyon on behalf of Creditor MORTGAGE RESEARCH CENTER, LLC D/B/A VETERANS UNITED HOME LOANS, A MISSOURI LIMITED LIABILITY COMPANY pawb@fedphe.com  
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov  
Paul W. McElrath, Jr. on behalf of Debtor Nathan Nesmith ecf@mcelrathlaw.com, donotemail.ecfbackuponly@gmail.com  
Ronda J. Winnecour cmecf@chapter13trusteedpa.com  
S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com, srk@sjwpgh.com; PNGbankruptcy@peoples-gas.com  
Thomas Song on behalf of Creditor MORTGAGE RESEARCH CENTER, LLC ET. AL. pawb@fedphe.com  
TOTAL: 9